

UNITED STATES DISTRICT COURT  
for the  
EASTERN DISTRICT OF NORTH CAROLINA

**U.S.A. vs. Victor Manuel Davila**

**Docket No. 7:14-CR-78-5BO**

**Petition for Action on Supervised Release**

COMES NOW Erik J. Graf, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Victor Manuel Davila, who upon an earlier plea of guilty to Conspiracy to Distribute a Quantity of Heroin, in violation of 21 U.S.C. §§ 846 and 841(b)(1)(C), was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on November 13, 2015, to the custody of the Bureau of Prisons for a term of 21 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 36 months.

Victor Manuel Davila was released from custody on April 8, 2016, at which time the term of supervised release commenced.

On June 6, 2016, the Court ordered the defendant participate in Moral Reconation Therapy (MRT) in response to a May 10, 2016, positive urinalysis test for morphine.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:**

Davila tested positive for morphine on a urinalysis test conducted on June 2, 2016. Davila admitted to wrongfully using a prescription medication to address pain in his extremities.

On June 5, 2016, Davila was charged with Driving While Impaired (16CR54363) and Failure to Maintain Lane Control (16IF704009) in New Hanover County District Court. These matters are pending.

On June 28, 2016, Davila was charged with Driving While License Revoked (16CR3904) in New Hanover County District Court. This matter is pending.

On July 4, 2016, Davila was charged with Driving While Impaired and Speeding (16CR51200) and Possession of an Open Container or Consume Alcohol in Passenger Area (16CR51201) in Pender County District Court. These matters are pending.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

**PRAYING THAT THE COURT WILL ORDER** that supervised release be modified as follows:

1. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.

2. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
3. The defendant shall adhere to a curfew as directed by the probation officer for a period not to exceed 120 consecutive days. The defendant is restricted to his residence during the curfew hours. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer.
4. The defendant shall abide by all terms and conditions of the Remote Alcohol Monitoring Program, as directed by the probation officer, for a period not to exceed 120 consecutive days.
5. The defendant shall not operate a motor vehicle on the highways of the State of North Carolina until his/her privilege to do so is restored in accordance with law.
6. The defendant shall participate in the intensive outpatient substance abuse program through Coastal Horizons, Inc., in Wilmington, North Carolina, as directed by the U.S. Probation Office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing  
is true and correct.

/s/ Robert L. Thornton  
Robert L. Thornton  
Supervising U.S. Probation Officer

/s/ Erik J. Graf  
Erik J. Graf  
U.S. Probation Officer  
2 Princess Street, Suite 308  
Wilmington, NC 28401-3958  
Phone: 910-679-2031  
Executed On: July 20, 2016

**ORDER OF THE COURT**

Considered and ordered this 21 day of July, 2016, and ordered filed and made a part of the records in the above case.

Terrence W. Boyle  
Terrence W. Boyle  
U.S. District Judge